IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 27853 of 2006(N)

PETITIONER:

HI-TECH SEALS PVT.LTD., INDUSTRIAL DEVELOPMENT AREA, MUPPATHADOM, ALUVA-683 110, REPRESENTED BY ITS MANAGING DIRECTOR, MR.JOHN THOMAS.

BY ADV. SRI.N.RAGHURAJ
SMT.K.AMMINIKUTTY

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF URBAN AFFAIRS, DIRECTORATE OF URBAN AFFAIRS, THIRUVANANTHAPURAM.

BY SR. GOVT. PLEADER SRI. K.J. MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.27853 of 2006

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Dated this the 12th day of July, 2007

JUDGMENT

Petitioner challenges Ext.P8. Case of the petitioner in brief is as follows:

Petitioner is a small scale industrial unit engaged in the manufacture and marketing of all types of Industrial Gaskets, Mechanical Shafts and Liquid Petroleum fired Crematoriums. According to the petitioner, the first respondent considering the speciality and uniqueness of the Crematorium manufactured by the petitioner issued Exts.P4 and P5 orders, according permissive sanction to the urban local bodies to purchase Crematoriums under single tender system as provided in the Stores Purchase Manual. Exts.P4 and P5 came to be challenged by a competitor by filing W.P.(C) 4948 of 2006. It is the case of the petitioner that the first respondent filed an affidavit in the said writ petition justifying the grant of permissive sanction to the urban local bodies to purchase the Crematorium manufactured by the petitioner. That writ petition came to be dismissed by judgment

dated 12.6.2006 upholding Exts.P4 and P5 orders. It is thereafter that Ext.P8 is issued cancelling Exts.P4 and P5 orders. One of the contentions of the petitioner is that petitioner was not heard.

2. I heard learned Government Pleader also.

3. It is not disputed that the petitioner was not heard. Clearly it is a case where the order violates principles of natural justice as Ext.P8 has adverse civil consequences. In such circumstances I feel that Ext.P8 cannot be sustained for the only reason that petitioner has not been given an opportunity of being heard. Of course I am not expressing any view on the other contentions of the petitioner and I leave it open.

In such circumstances, Ext.P8 is quashed and I make it clear that it will be open to the first respondent to take such steps as it is advised to take, but with opportunity of hearing to the petitioner.

(K.M. JOSEPH, JUDGE)

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